

REGISTER OF CLASSIFICATION DECISIONS

Title of Publication: Naughty Neighbors May 2005: International Edition

Other Known Titles: Naughty Neighbors: Hardcore Couples
Naughty Neighbors Vol. 11 No 5 May 2005: Canada / US Edition

Format: Magazine

Director/Author: Not Applicable

Producer/Publisher: The SCORE Group

Country of Origin: USA

Language: English

Applicant: Comptroller of Customs

Distributor: Gordon & Gotch (NZ) Ltd

Classification:	Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.
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Descriptive Note: Not Applicable.

Display Conditions: **Either**

That, when the publication is on public display, the classification given to the publication must be shown by way of a label affixed to the front cover of the publication in such a manner that it is visible through the clear window of a sealed opaque package.

And

That the publication must be publicly displayed only in a sealed, opaque package made entirely of opaque material other than a clear window on the front of the package;

Or

That, when the publication is on public display, the classification given to the publication must be shown by way of a label affixed to the front cover of the publication in such a manner that it is visible at all times.

And

That the publication must not be publicly displayed in any place in which the publication is available for supply, and must be shown in that place only to persons who make a direct request for the publication;

Or

That, when the publication is on public display, the classification given to the publication must be shown by way of a label affixed to the front cover of the publication in such a manner that it is visible at all times.

And

That the publication must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

Date of entry in Register: 28 September 2005

Date of direction to issue a label: 23 September 2005

OFLC No: 500773

Excisions: Not Applicable

Reasons for excisions:

Not Applicable

**Summary of reasons
for classification:**

The magazine entitled *Naughty Neighbors May 2005: International Edition* is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The magazine was submitted by the New Zealand Customs Service under s13(1)(a) of the Films, Videos, and Publications Classification Act 1993 (FVPC Act). The magazine focuses on the explicit depiction of women either posing nude, or engaged in sexual activity. Although the magazine contains several advertisements that refer to women being teenagers the effect is that of adults role playing as younger teenagers rather than of adults being convincingly presented as young persons. Therefore the magazine does not reach a threshold where it can fairly be said to promote and support, or to tend to promote or support, the exploitation of young persons for sexual purposes. In addition, the magazine contains degrading and dehumanising elements, the strongest of which are highly offensive but not to such an extent that the magazine can be classified as objectionable.

Considerations under s3(1), s3(3)(a)(iii), s3(3)(c) and s3(3)(e) of the FVPC Act have been weighed against the right to freedom of expression set out in s14 of the New Zealand Bill of Rights Act 1990. Extensive depictions of female nudity and of explicitly depicted and described sexual activity render the availability of the publication likely to be injurious to the public good unless it is restricted to an adult audience. This restriction is reasonable, justified and in accordance with the law. Limitations on the publication's availability are the minimum restriction that can be applied in order to prevent likely injury to the public good.